

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

IN RE APPLICATION OF:	§	ATTY. DOCKET NO.: AUS920030437US1
	§	
DON RUTLEDGE DAY, ET AL.	§	EXAMINER: BRIAN P. WHIPPLE
	§	
SERIAL NO.: 10/631,058	§	CONFIRMATION NO.: 3505
	§	
FILED: 31 JULY 2003	§	ART UNIT: 2152
	§	
FOR: METHOD, SYSTEM AND	§	
PROGRAM PRODUCT FOR	§	
DYNAMIC TRANSMISSION	§	
IN A MESSAGING SESSION	§	

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL
BRIEF UNDER 37 C.F.R. 41.37

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Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This Appeal Brief is submitted in response to a Notification of Non-Compliant Appeal mailed on December 21, 2007, for the Appeal Brief filed on October 26, 2007.

No fee is required to file this Compliant Appeal brief as the fee for filing the original Appeal Brief was paid at submission. However, should any fees be required to file this Compliant Appeal Brief, please charge that fee, as well as any additional required fees, to **IBM CORPORATION's Deposit Account No. 09-0447**.

STATUS OF CLAIMS

Claims 1-21 stand finally rejected by the Examiner as noted in the Final Office Action dated May 25, 2007 ("Final Office Action"). The rejections of Claims 1-21 under 35 U.S.C. §103(a) are appealed.

CONCLUSION

Appellants have pointed out with specificity the manifest error in the Examiner's rejections, and the claim language which renders the invention patentable over the various combinations of references. Appellants, therefore, respectfully request the reversal of the rejections of all pending claims.

Respectfully submitted,



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